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Request for Continued Examination (RCE) Transmittal

Address to:
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Application Number	09/801,852
Filing Date	March 8, 2001
First Named Inventor	Chiang
Art Unit	1652
Examiner Name	E. Slobodyansky
Attorney Docket Number	ON0163 NP

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Three-Month Extension of Time

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 19-3880

i. ☒ RCE fee required under 37 CFR 1.17(e) 04/22/2004 MAHMED1 00000014 193880 09801852

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 DA

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Keith R. Lange	Registration No. (Attorney/Agent)	44,201
Signature		Date	April 19, 2004

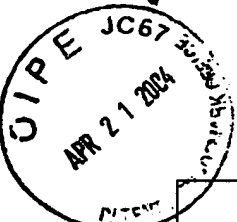
CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Keith R. Lange	Date	April 19, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CASE ON0163 NP

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Keith R. Lange
Type or print name

Signature

April 19, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

CHIANG ET AL.

APPLICATION NO: 09/801,852

FILED: MARCH 8, 2001

FOR: DIRECT PRODUCTION OF DESACETYLCEPHALOSPORIN C

Art Unit: 1652

Examiner: E. SLOBODYANSKY

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Advisory Action
Filed Concurrently with Request for Continued Examination

Sir:

This is in response to the Advisory Action dated December 10, 2003. A Notice of Appeal was filed in this case on November 19, 2003. Therefore, an Appeal Brief is due January 19, 2004. Applicants file concurrently herewith a Request for Continued Examination and a Petition for a Three Month Extension of Time, with an authorization to charge the fee therefore. Accordingly, the Request for Continued Examination and this Response is due April 19, 2004, and is therefore deemed to be timely filed. The Commissioner is hereby authorized to charge any fees or credit any overpayments to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Listing of the Claims begin at page 2 of this paper.

Remarks begin at page 4 of this paper.